765, 9 So. 443. Others hold that he can, and this seems the better view. *Townsend* v. *New York Central & H. R. R. Co.*, 56 N. Y. 295; *Skelton* v. *Lake Shore & M. S. Ry. Co.*, 29 Oh. St. 214. For the passenger is protected by his remedy for the loss of the ticket and the carrier's regulation requiring the production of tickets is justified in view of the impracticability of the conductor's passing upon the validity of excuses. *Bradshaw* v. *South Boston R. Co.*, 135 Mass. 407. The principal case suggests a modification of the first view based on a Texas statute requiring ticket collectors to wear a badge. It is arguable that delivery to an employee without a distinctive badge is negligence, but it would seem that in the ordinary course of travel a passenger would be justified in giving up his ticket to one in the company's uniform without looking for a badge or ascertaining if the badge were a proper one. The case would appear to set an unwarranted limitation on an undesirable rule.

CONFLICT OF LAWS — REMEDIES: RIGHT OF ACTION — REDRESS FOR TORT COMMITTED UNDER STATUTE OF FOREIGN STATE WHICH FORBADE RECOVERY OUTSIDE THE STATE. — An Alabama statute gave a right of action to workmen injured by reason of any defect of the premises where they were employed. ALA. CODE, § 3190. Section 6115 of the Code provided that actions for such injuries must be brought in a court of Alabama and not elsewhere. The plaintiff, having been injured, recovered against the defendant in Georgia. *Held*, that the recovery in Georgia was not in violation of the due faith and credit clause of the Constitution. *Tennessee Coal, I. & R. R. Co.* v. *George*, U. S. Sup. Ct., April 13, 1914.

As a general rule, an action for personal injuries is maintainable whenever the court has jurisdiction of the parties. *Dennick* v. *Railroad Co.*, 103 U. S. 11. See 26 HARV. L. REV. 283, 290. In creating a new right, however, the jurisdiction creating the right may place a special limitation upon it. This limitation affects the right no matter where sued upon. *Pollard* v. *Bailey*, 20 *Wall.* (U. S.) 520; *Fourth Nat. Bank* v. *Francklyn*, 120 U. S. 747. See 18 HARV. L. REV. 220, 221. The creator of the right may limit it even after it has arisen. *Davis* v. *Mills*, 194 U. S. 451. So in the principal case, Alabama might have made bringing a suit within the state a condition precedent to the existence of any right at all. That this was true of a statute of another state was the view of the minority of the court in *Atchison, T. & S. F. Ry. Co.* v. *Sowers*, 213 U. S. 55, 71; See criticism of case in 22 HARV. L. REV. 535. But the Alabama statute would seem not to be capable of such an interpretation. Hence the requirement for bringing suit was not a condition precedent to the right, but only a prohibition which the dissenting judges in the case cited admitted could be disregarded. The court's result seems clearly right.

CONSTITUTIONAL LAW — DUE PROCESS OF LAW — STATE REGULATION OF SALE OF STOCKS, BONDS AND OTHER SECURITIES. — A statute provided that foreign and domestic investment companies file full data regarding all issues of stocks, bonds and other securities with a Commission, that the Commission was authorized to prohibit a sale if it should find that the sale would in all probability result in loss to the purchaser; and, further, that there should be no sale for thirty days after the data was filed with the Commission. *Held*, that the statute is unconstitutional. *Alabama & New Orleans Transportation Co.* v. *Doyle* 210 Fed. 173.

For a discussion of the principles involved see NOTES, p. 741.

CONSTITUTIONAL LAW — POWERS OF LEGISLATURE: DELEGATION OF POWERS — VALIDITY OF STATE-WIDE REFERENDUM. — The legislature passed a statute that was to become operative as a law if the majority of the people

voted for it at the next state election. *Held*, that such a statute is valid. *Hudspeth* v. *Swayze*, 89 Atl. 780 (N. J.).

The doctrine that legislatures cannot delegate their powers is well settled. *Territory* v. *Stewart*, 1 Wash. 98, 23 Pac. 405; *Slinger* v. *Henneman*, 38 Wis. 504. Decisions are in conflict, however, as to what constitutes a prohibited delegation. For historical reasons, it would seem, certain delegations to municipal corporations are valid. *State* v. *Tryon*, 39 Conn. 183. See *Paul* v. *Gloucester*, 50 N. J. L. 585, 603, 15 Atl. 272, 280. Local option laws have also generally been sustained. *Locke's Appeal*, 72 Pa. 491; *State* v. *Court of Common Pleas of Morris*, 36 N. J. L. 72. *Contra*, *Lammert* v. *Lidwell*, 62 Mo. 188. But the slight weight of authority is against the validity of state-wide referendum. *Barto* v. *Himrod*, 8 N. Y. 483; *Opinions of the Justices*, 160 Mass. 586. *Contra*, *Smith* v. *City of Janesville*, 26 Wis. 291. The courts in some of the above decisions have laid stress upon the diversity between the statutes, distinguishing between acts that purport to let a vote decide whether a law shall exist, and those that make its operation contingent upon the vote. But it is submitted that this is only a matter of form and does not warrant different results. Now statutes that are to become effective upon a contingency are clearly valid. *Pratt* v. *Allen*, 13 Conn. 119; *Home Ins. Co.* v. *Swigert*, 104 Ill. 653. The statute in the principal case seems clearly contingent, but it might be argued that the contingency was objectionable because it involved a delegation of legislative discretion if not of actual law-making power. But the statute is very analogous to local option laws, though such laws may be regarded as somewhat exceptional because the result of the vote, as an indication of the possibility of enforcing the law, is really a factor in determining the expediency of their enactment. Furthermore the delegation of some discretion is not unusual. *Buttfield* v. *Stranahan*, 192 U. S. 470, 24 Sup. Ct. 349; *Union Bridge Co.* v. *United States*, 204 U. S. 364, 27 Sup. Ct. 367. Since in the principal case the legislature retained its power to give life to the law, and merely provided that the contingency making the law operative was the decision of the sovereign people instead of its own, the decision seems correct in holding this contingency unobjectionable. *Smith* v. *City of Janesville*, *supra*; *State* v. *Parker*, 26 Vt. 357. See dissenting opinion by Holmes, *Opinion of the Justices*, *supra*.

CONTRIBUTORY NEGLIGENCE — "LAST CLEAR CHANCE" DOCTRINE — EFFECT OF CONCURRENT NEGLIGENCE OF THE PLAINTIFF.— In an action for death caused by the negligence of the defendant's motorman, the trial court charged that if the motorman saw, or by due care could have seen that the decedent was unconscious of his danger, in time to avoid the accident by the exercise of reasonable care, the plaintiff could recover even though the decedent himself could have avoided the accident up to the instant of the injury. *Held*, that the instruction is erroneous, in that it allows recovery in a case of concurrent negligence where the defendant did not actually realize the danger. *Indianapolis T. & T. Co.* v. *Davy*, 103 N. E. 1098 (Ind. App.).

The "last clear chance" doctrine is properly applicable only when the defendant has a later opportunity than the plaintiff to avoid the accident by the use of reasonable care. *Nashua Iron etc. Co.* v. *Worcester & N. R. Co.*, 62 N. H. 159. See 26 HARV. L. REV. 369. Accordingly, in situations where the plaintiff himself could have prevented the injury up to the last moment by the exercise of due care, recovery should not be allowed, at least where the defendant's negligence involves only a failure to realize the plaintiff's danger. *Dyerson* v. *Union Pacific R. Co.*, 74 Kan. 528, 87 Pac. 680; *Southern Ry. Co.* v. *Bailey*, 110 Va. 833, 67 S. E. 365. But there is a growing tendency among the authorities to grant relief in spite of the plaintiff's coincident opportunity to avoid, when the plaintiff is merely inattentive to the danger and the de-